

### **Remarks**

In the present application, claims 1, 3, 6, 13, 18, 22, and 27 have been amended. The independent claims have been amended to clarify that the signal sent by the transmitter comprises at least one designated wavelength specific to a business and the receiving area comprises a pre-set limited area from which the receiver detects the signal sent by the transmitter and forwards the detected signal to the business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the receiver for detecting and receiving signals. The claims have further been amended to clarify that the transmitter comprises a receiving function and the receiver comprises a transmitting function for sending a signal to the transmitter, the signal comprising a sale notification to the customer from the business. The claims have further been amended to clarify that the transmitter located inside of a vehicle is integrated into a vehicle panel. Support for these amendments may be found in Figure 2 and in paragraphs 0017-0018, 0020-0022, 0024, and 0026 in the Specification. No new matter has been added.

In the Office Action, claims 1-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall, et al. (U.S. Patent No. 6,026,375, hereinafter “Hall”) in view of Pong, et al. (U.S. Patent No. 6,237,647, hereinafter “Pong”).

### **Applicant’s Statement of the Substance of the Interview**

A brief telephonic interview between Applicant’s representative Alton Hornsby, III (Registration No. 47,299) and the Examiner was held on December 29, 2006 to discuss possible claim amendments to overcome the rejection of the pending claims over the combination of Hall and Pong. Among the features discussed for possible claim amendments included the signal sent by the transmitter comprising at least one designated wavelength specific to a business and the receiving area comprises a pre-set limited area from which the receiver detects the signal sent by

the transmitter and forwards the detected signal to the business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the receiver for detecting and receiving signals, and that the transmitter located inside of a vehicle is integrated into a vehicle panel. The Examiner invited the Applicant to file amendments and arguments based on the aforementioned features for further consideration and search.

### **Claim Rejections - 35 U.S.C. §103**

Claims 1-34 are rejected as being unpatentable over Hall in view of Pong. Claims 26 and 31-34 have been previously cancelled. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 1 specifies a method of sending a remote order by a customer to a business. The method includes creating a remote order on a transmitter for a product or a service; and transmitting the order via a signal sent by the transmitter when the transmitter is within a receiving area of and detectable by a receiver in communication with the business, the signal comprising at least one designated wavelength specific to the business, the receiving area comprising a pre-set limited area from which the receiver detects the signal sent by the transmitter and forwards the detected signal to the business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the receiver for detecting and receiving signals, thereby allowing the business to receive and transform the signal back to the original order, and wherein the transmitter comprises a receiving function and the receiver comprises a transmitting function for sending a signal to the transmitter, the signal comprising a sale notification to the customer from the business, and wherein the order comprises information associated by the receiver with a

make and model of vehicle from which the order is transmitted, and wherein an employee of the business delivers the order to the vehicle by recognizing that the vehicle matches the make and model of the vehicle from which the order was placed, and wherein the receiver is capable of transmitting a reply to the transmitter reporting a status of the order, and wherein a menu signal sent by the receiver prior to receiving the signal from the transmitter includes a menu of products.

It is respectfully submitted that the combination of Hall and Pong fails to teach, disclose, or suggest each of the features specified in amended independent claim 1. For example, the aforementioned combination fails to disclose a signal sent by a transmitter which comprises at least one designated wavelength specific to a business and a signal receiving area which comprises a pre-set limited area from which the receiver detects the signal sent by the transmitter and forwards the detected signal to a business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the receiver for detecting and receiving signals. The aforementioned combination also fails to disclose that the transmitter comprises a receiving function and the receiver comprises a transmitting function for sending a signal to the transmitter, the signal comprising a sale notification to the customer from the business.

Hall discusses processing orders in a mobile environment. Upon receiving an order from a mobile customer, customer location information is received from a location determination system and at least one facility capable of completing the order is identified. An estimated time of arrival of the customer at each identified facility is determined using the customer location information and the facility of the at least one identified facility capable of completing the order prior to the customer's estimated time of arrival at the determined facility is also identified. The

facility capable of completing the order is determined by polling multiple facilities until a facility is located which is capable of satisfying the customer's order within an acceptable time frame. See col. 2, lines 49-61 and col. 9, lines 19-51.

Hall however, fails to disclose a signal sent by a transmitter which comprises at least one designated wavelength specific to a business and a signal receiving area which comprises a pre-set limited area from which the receiver detects the signal sent by the transmitter and forwards the detected signal to a business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the receiver for detecting and receiving signals. On the contrary, Hall specifically discusses the polling multiple facilities (in a geographic area) to find a facility capable of satisfying a customer's order. Thus, the method and system described in Hall actually discourages limiting transmitted signals to a limited area comprising a predetermined radius within a signal strength range as this would hinder the finding location of facilities which might satisfy a customer's order. Additionally, Hall also fails to disclose a receiver comprising a transmitting function for sending signal comprising a sale notification to the customer (i.e., a customer transmitter) from the business.

Pong, relied upon in the Office Action to cure the deficiencies of Hall, merely discusses an automatic refueling station which uses a vehicle make and model to identify a vehicle and a customer account number to identify a customer. See Figure 1 and col. 6, lines 31-44. Pong however, like Hall, fails to disclose a signal receiving area which comprises a pre-set limited area from which the receiver detects the signal sent by the transmitter and forwards the detected signal to a business when the transmitter is within the pre-set limited area, the pre-set limited area comprising a predetermined radius within a signal strength range associated with the

receiver for detecting and receiving signals. On the contrary, Pong discusses using an RF communication system for polling an identification tag on a vehicle for identifying information. Thus, like Hall, the operation of the vehicle detection method in Pong would be hindered by limiting the detection of signals to a radius within a signal strength range associated with the RF communication system.

Based on the foregoing, amended independent claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-5 depend from amended independent claim 1 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons. In addition, amended claim 3 further specifies that the transmitter is integrated into a platform comprising a vehicle panel. Neither Hall nor Pong discloses an integrated vehicle transmitter. Therefore, claim 3 is also allowable for at least this additional reason.

Amended independent claims 6, 13, and 22 specify similar features as amended independent claim 1 and thus are also allowable for at least the same reasons. Claims 7-12, 14-21, 23-25 and 27-30 depend from amended independent claims 6, 13, and 22, and thus are also allowable for at least the same reasons. Therefore, the rejection of claims 2-5, 6-25 and 27-30 should also be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

No fees are believed due. However, please charge any fees or credit any overpayment to Deposit Account No. 50-3025.

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Respectfully submitted,

/Alton Hornsby III/

Alton Hornsby III, Reg. #47299

Withers & Keys, LLC  
P.O. Box 71355  
Marietta, GA 30007-1355  
(678) 565-4748